



Patent and Trademark Office
Address: ASSISTANT
Box PCT
Washington, D.C. 20231

U.S. APPLICATION NO.

08/913,960

MURRER

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

B 242267

CUSHMAN DARBY & CUSHMAN
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5621

DUE ON

JAN 02 1998

INTERNATIONAL APPLICATION NO.

PCT/GB96/00575

I.A. FILING DATE

PRIORITY DATE

03/19/96 03/25/95

DATE MAILED:

12/02/97

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

 a Designated Office (37 CFR 1.494), an Elected Office (37 CFR 1.495): U.S. Basic National Fee. Copy of the international application in: a non-English language. English. Translation of the international application into English. Oath or Declaration of inventors(s) for DO/EO/US. Copy of Article 19 amendments. Translation of Article 19 amendments into English. The International Preliminary Examination Report in English and its Annexes, if any. Translation of Annexes to the International Preliminary Examination Report into English. Preliminary amendment(s) filed _____ and _____. Information Disclosure Statement(s) filed _____ and _____. Assignment document. Power of Attorney and/or Change of Address. Substitute specification filed _____. Verified Statement Claiming Small Entity Status. Priority Document. Copy of the International Search Report and copies of the references cited therein. Other:

2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ 260 as a large entity small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875. (I will be charged to your dep. acct. 03-3975 for proper & improper multiples)

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY 21 OR 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response

Enclosed: PCT/DO/EO/917

Notice of Defective Translation

PTO-875

FORM PCT/DO/EO/905 (September 1996)

PILLSBURY MADISON & SUTRO

Karen McLean DEC 10 1997

(703) 308-9117

PCT International Division

RECEIVED

WASHINGTON D.C.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COMPLETION OF FILING NATIONAL PHASE OF PCT APPLICATION
UNDER RULE 35 USC 371 AND 37 CFR 1.494(C) OR 1.495(C)

BOX PCT

**COMPLETION
For PCT Cases Only**In re PATENT APPLICATION of

Inventor(s): MURRER ET AL

Appln. No.: 08 | 913,960
Series Code ↑ Serial No. ↑Atty. Dkt. PMS 242267 | MBUS 1126A
M# Client Ref

National Phase Field

Based on PCT | GB96 | 00575
↑ Country Code(Our Deposit Account No. 03-3975)
(Our order No. 41015 | 242267
C# M#Title: **PHARMACEUTICAL COMPOSITION CONTAINING
SELECTED LANTHANUM CARBONATE HYDRATES**

Date: January 2, 1998

FILING OF ITEM(S) LATE IN PCT/USA NATIONAL CASEHon. Commissioner of Patents
and Trademarks
Washington, DC 20231

Sir:

The following completes the filing of the subject application under Rule 494(c)/495(c). Please accept the following attached items:

1. Missing Requirements Notice (PCT/DO/EO/905) copy attached not yet received
 02/20/1998 WCLAYBRO 0000003 08913960
 01 FC:968 Signed Declaration ^{\$20.00 OP} Original Facsimile/Copy with spec/claims attached
3. Translation of the International Application into English including:
 a. Request; b. Abstract
 c. pgs. Spec. and Claims; d. Translation verification
 Rep'd. Ref. sheets Drawing which are: informal formal of size A4 11"
 DA#033975 Name/Number:08913960
 FC: 404 a copy of International Search Report (ISR) attached (2 page(s))
 a. plus Annex of family members (page(s))
5. Information Disclosure Statement including
 a. From PTO-1449 listing documents
 b. Copies of document(s) listed on Form PTO-1449
 c. A concise explanation of ISR references is given in the ISR
6. Assignment and cover sheet. Please return the recorded assignment to the undersigned.
7. Copy of Power to international application agent.
8. (No.) Verified Statement(s) establishing "small entity" status under Rules 9 & 27.

Adjustmen9.date Formal Drawings: 4 sheet(s) informal; formal of size: A4 11"
 02/20/1998 KDUNCAN1 00000171 08913960
 02 FC:968 -270.00 OP

10. Please immediately start national examination procedures (35 USC 371(f))
11. Attached: International Preliminary Examination Report
12. Preliminary Amendment:
13. Basic U.S. National fee per Rule 492(a)(1)-(4) was previously timely filed.:
14. **Calculation of remaining fees due (if any):** based on amended claim(s) per above item

12 (above) or item(s) in PAT-112 (filed previously) 12 14 17 25

15. **CLAIMS FEES** previously paid paid herewith as follows:

			Large/Small Entity		Fee Code
16. Total Effective Claims	17	minus 20 =	0	x \$22/\$11	+0
17. Independent Claims	1	minus 3 =	0	x \$82/\$41	+0
18. If <u>any</u> proper multiple dependent claim (ignore improper) is present,				\$270/\$135	+270
19. Filing Declaration late, fee paid	<input type="checkbox"/> previously	<input checked="" type="checkbox"/> now		\$130/\$65	+130
20.			SUBTOTAL	\$400	
21. Original due date:	January 2, 1998				
22. Petition is hereby made to extend the <u>original</u> due date to	(1 mo)	\$110/\$55 =	+	115/215	
cover the date this response is filed for which the requisite fee	(2mos)	\$400/\$200 =		116/216	
is attached	(3mos)	\$950/\$475 =		117/217	
	(4mos)	\$1510/\$755 =		118/218	
23. If "non-English" box 3 is X'd, add Rule 17(k) processing fee		\$130	+0	139	
24. If "assignment" box 6 is X'd, add recording fee.		\$40	+40	581	
25.	TOTAL FEE ENCLOSED =				\$440

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

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PNK/mh

Pillsbury Madison & Sutro LLP
Intellectual Property Group

By: Atty: Paul N. Kokulis

Sig: 

Reg. No. 16773

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NOTE: File in duplicate with PTO receipt (PAT-103A) and attachments